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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,661	12/30/2003	Vivian Agura	03292.101750.	1660
5514 7590 05/12/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER BERMAN, BRIAN J	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 05/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,661	Applicant(s) AGURA ET AL.	
	Examiner BRIAN BERMAN	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the Amendment filed on March 2, 2009. The Amendment amended Claim 1. The Amendment cancelled Claims 4-7 and 9. Therefore, the currently pending claims considered below are Claims 1-3 and 8.

Claim Objections

2. In claim 1, the language “recieving the transaction request at the server processing” should be changed to “**receiving** the transaction request at the server **and** processing”.

Claim Rejections - 35 USC § 101

3. Examiner withdraws the 35 USC § 101 rejections for claims 1-3 and 8. Examiner thanks Applicant for making the appropriate corrections. The previous rejection is hereby withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1–3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohagan et al (US 2004/0243468).

The Examiner has verified that the reference's parent application (09/836,213), filed on April 17, 2001, contains adequate support for the below cited features.

Claim 1: Cohagan discloses a method for a loyalty points program, comprising:

a. creating a cardholder profile by receiving cardholder profile information including at least one third-party authorization (i.e. aggregate account holder) allowing the third party to access the account including the option of a global assignment (page 4, paragraph 0039 and page 8, paragraphs 0059-0061);

b. allowing the third party to request a transaction with loyalty points according to the stored authorization (page 4, paragraph 0039 and page 8, paragraphs 0059-0061);

d. processing/fulfilling the transaction request (page 17, paragraph 0121);

e. receiving updated information at the server for reducing the authorization access of the third-party participant while still allowing at least some access for the third-party participant; and (page 4, paragraphs 39-40 and page 8, paragraphs 0059-0061, primary member can reduce access of supplementary members, page 12, paragraph 84)

f. updating the authorization access of the third-party participant in the profile based on the updated information. (page 4, paragraphs 39-40 and page 8, paragraphs 0059-0061, primary member can reduce access of supplementary members, this information is updated whenever a primary member makes any changes to the level of access of the supplementary members, page 12, paragraph 84)

Cohagan discloses receiving a request to change the authorization data for one of more third party participants and updating the authorization access for the participant (page 12, paragraph 0084). The Examiner notes that the disclosure that the primary member can request and set the access authorization for a supplemental member is changing the authorization data for that supplemental member from being not authorized to being authorized in the primary cardholder's account; thus, meeting the claimed feature. Furthermore, while not explicitly claimed, it is inherent or at least would have been obvious to one having ordinary skill at the time the invention was made to allow the primary member to change preexisting supplemental members' authorization data whenever the need arises, such as upon the death or divorce of a spouse, when an employee is no longer an employee, when a friend becomes a better or closer friend or girlfriend or wife, when a coworker gets promoted at work and becomes a supervisor, when a child becomes older such as old enough to drive a car, etc.

Cohagen discloses different embodiments in which supplemental members (friends, coworkers, family members, etc.) have different levels of access of rewards. A primary member could change the amount of authorization access of the supplementary members.

Cohagan discloses that the primary member can enroll one or more supplemental members whose earned reward points are stored in the aggregate consumer account. In one embodiment, the "primary member may designate a particular supplemental member(s) as eligible to redeem any or all of the reward points in the aggregate consumer account and the primary or any other participant may limit the redemption to a specific geographic area". In another embodiment, "a first supplemental member may designate a second supplemental member as eligible to redeem in a specific geographic area any or all of the reward points earned

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by the first supplemental member in a specific geographic area.” Thus, Cohagan discloses that the access assignment for the supplemental members may be global, i.e. a supplemental member may at least be able to earn points, redeem points (their own and/or from others), and set additional authorizations for other supplemental members, the same as the primary member.

Claim 2: Cohagan discloses a method as in Claim 1 above, and further discloses the authorization is one of a global assignment, a functional assignment, or a transactional assignment (page 4, paragraph 0039 and page 8, paragraphs 0059-0061).

Claim 3: Cohagan discloses a method as in Claim 1 above, and further discloses comparing the transaction request to the authorization access (page 9, paragraph 0068 and page 15, paragraph 0102).

Claim 8: Cohagan discloses a method as in Claim 1 above, and further discloses

verifying that each third-party participant to be given an authorization has sufficient connection to the account prior to granting authorization. (Figure 5, paragraph 98, authentication and/or validation of the identity and status of participants, including any of the other system components, may be performed by the authentication module, which may have access to the records residing in the storage device, this checks whether the third-party participant has authorization to perform certain tasks)

Response to Arguments

6. Applicant's arguments filed March 2, 2009 have been fully considered but they are not persuasive.

a. The Applicant argues that Cohagen does not disclose reducing the authorization access of the third-party participant while still allowing some access for a third-party participant. Examiner provided examples in the previous and the current Office Action of common situations when the primary member changes the level of authorization access of the supplementary member when the need arises (such as death of spouse or when an employee leaves an employer).

b. The Applicant argues that the discussion in the previous Office Action of co-owners of an account teaches away of reducing authorization, since they could not limit each other's access. Examiner states that an example does not mean that it teaches away. Cohagen does not explicitly prevent a primary member from limiting access of a supplementary member. Also, Examiner has given examples in the previous Office Action and this Office Action of when it is common for a primary member to limit access of a supplementary member. (see paragraph 5 for examples of changing the preexisting level of authorization access when the need arises)

c. The Applicant argues that the death of a spouse and employee no longer working for employer is not suggestive of reducing access of a co-owner while still allowing some access of the third-party participant. Examiner states that it is possible that a primary member could reduce the authorization access of a co-owner, while still allowing some access for the third-party participant. The examples mentioned above (death of spouse and employee leaving employer) were used by Examiner in order to show common situations when a primary member typically

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changes a preexisting supplemental member's authorization data (due to when the need arises to make this authorization change). Cohagen discloses different embodiments in which supplemental members (friends, coworkers, family members, etc.) have different levels of access of rewards. For example, as a friend becomes a closer friend or girlfriend or wife, or as a coworker gets promoted at work and becomes a supervisor, or as a child becomes older such as old enough to drive a car, the primary member can change the amount of authorization access of the supplementary member.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Berman whose telephone number is (571) 270-3603. The examiner can normally be reached on Monday through Thursday 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Berman/
Examiner, Art Unit 3688
5/9/2009

/James W Myhre/
Supervisory Patent Examiner, Art Unit 3688